

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

iROBOT CORPORATION,

Plaintiff

v.

THE BLACK & DECKER CORPORATION,

BLACK & DECKER (U.S.) INC., and

SHENZHEN SILVER STAR INTELLIGENT
TECHNOLOGY CO., LTD.,

Defendants.

Civil Action No. 1:17-cv-10648

JURY TRIAL DEMANDED

**MEMORANDUM IN SUPPORT OF
MOTION FOR DISMISSAL WITHOUT PREJUDICE**

Plaintiff iRobot Corp. (“iRobot”) hereby submits this memorandum in support of its motion to dismiss certain claims brought in the above-referenced lawsuit.

iRobot filed its complaint against Defendants The Black & Decker Corporation and Black & Decker (U.S.) Inc. (collectively “Black & Decker”) asserting infringement of U.S. Patent Nos. 6,809,490, 7,155,308, and 8,474,090 on April 17, 2017.

On April 18, 2017, iRobot filed a complaint with the United States International Trade Commission (“ITC”) alleging a violation of 19 U.S.C. § 1337 against the Defendants. On May 17, 2017, the ITC instituted an investigation, captioned *Certain Robotic Vacuum Cleaning Devices and Components Thereof Such as Spare Parts*, Inv. No. 337-TA-1057 (“the Investigation”). The Investigation involves the same asserted patents and accused products named in the complaint in this litigation. On June 8, 2017, the Court stayed the current case pursuant to 28 U.S.C. § 1659(a).

iRobot has entered into a settlement agreement with Black & Decker. As a result, iRobot moved to terminate the Investigation on the basis of the withdrawal of the complaint against Black & Decker. For these reasons, iRobot respectfully requests that the Court dismiss all claims by iRobot against Black & Decker without prejudice in the instant lawsuit.

Dated: December 15, 2017

Respectfully submitted,

By: /s/ Stephen A. Marshall
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Counsel for Plaintiff iRobot Corp.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on all parties who have appeared in this case on December 15, 2017, via the Court's CM/ECF system.

/s/ Stephen A. Marshall

Stephen A. Marshall